

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

**Bienvenido Franco, Individually and on)
Behalf of All Others Similarly Situated,)
Plaintiffs,)** Civ. No.: 07 CV 3956
v.) (JS/AKT)
IDEAL MORTGAGE BANKERS, LTD. d/b/a)
LEND AMERICA, INC., MICHAEL ASHLEY,)
TIMOTHY MAYETTE, HELENE DECILLIS,)
MICHAEL PRIMEAU,)
Defendants.)

PLAINTIFFS' MOTION IN LIMINE NO. 10

Plaintiffs respectfully move this Honorable Court to exclude the following evidence:

Any evidence or argument that any Plaintiff knew and/or “agreed” not to receive minimum wage or pay for all overtime worked. It is well-settled that wage rights guaranteed by the FLSA cannot be abridged by contract or otherwise waived because this would nullify the purposes of the statute and thwart the legislative policies it was designed to effectuate. *E.g., Barrentine v. Arkansas-Best Freight Sys.*, 450 U.S. 728, 740 (1981) (citing cases); *Ladegaard v. Hard Rock Concrete Cutters, Inc.*, 2001 WL 1403007, at *2 (N.D.Ill. Nov. 9, 2001). Thus any evidence or argument that Plaintiffs may have known Defendants would not pay minimum wages or overtime is irrelevant and prejudicial under Fed.R.Evid 402-403, and should be excluded.

Dated: July 15, 2013

Respectfully Submitted,

/s/ James B. Zouras

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COUNSEL FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PLAINTIFFS'** **MOTION IN LIMINE NO. 10** was served upon the following parties via this Court's ECF filing system, this 15th day of July, 2013:

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And, electronically mailed the above mentioned on this 15th day of July, 2013 to the following address:

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/s/ James B. Zouras
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